

10-06-00

A

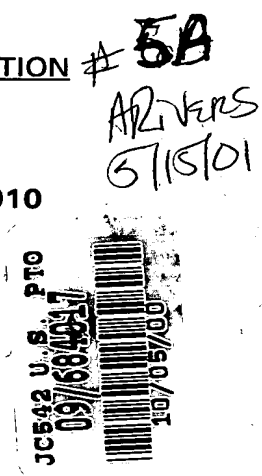


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)
Inventor(s): James F. Zucherman)
Ken Y. Hsu)
T. Wade Fallin)
Henry A. Klyce)
SC/Serial No.: Unknown)
Filed: Herewith)
Title: SPINE DISTRACTION IMPLANT AND METHOD)

PATENT APPLICATION

Customer No. 23910



CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number:EL622698449US
Date of Mailing: October 5, 2000

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to Assistant Commissioner for Patents, Washington, DC 20231 and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

Matthew A. Mahling (Signature)
Matthew A. Mahling
Signature Date: October 5, 2000

CONTINUATION APPLICATION TRANSMITTAL LETTER
UNDER 37 C.F.R. §1.53(b)(1)

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

Transmitted herewith for filing as a continuation application under the continuing application procedure of 37 C.F.R. §1.53(b)(1) is a patent application identified as follows:

Title: SPINE DISTRACTION IMPLANT AND METHOD

Inventor(s): James F. Zucherman, Ken Y. Hsu, T. Wade Fallin and Henry A. Klyce

No. of Pages in Specification: 54, No. of Claims: 24.

No. of Sheets of Drawings: 37; Formal: checked

The PTO did not receive the following listed item(s) Specification

Identification of Prior Complete Application

SC/Serial No.: 09/360,955

Art Unit: 3731

Filed: July 27, 1999

Examiner: Reip, D.

Title: SPINE DISTRACTION IMPLANT AND METHOD

Inventor(s): James F. Zucherman, Ken Y. Hsu, T. Wade Fallin, Henry A. Klyce

Delete the Following Inventor(s) for This Application: (none)

Declaration

☒

A copy of the Declaration (signed by all inventors) from the Prior Complete Application is submitted herewith.

Amendments

☒

Please CANCEL in this application original claims 2-89 of the prior complete application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒

Please AMEND the specification by inserting before the first line of the application: "This application is a continuation of Serial No. 09/360,955, filed July 27, 1999, which is a divisional of Serial No. 09/018,479, filed February 5, 1998, now U.S. Patent No. 6,074,390, which is a divisional of Serial No. 08/778,093, filed 1/2/97 now U.S. Patent No. 5,836,948 issued November 17, 1998."

☒

A preliminary amendment is enclosed. Please enter the preliminary amendment before calculating the application filing fee. (Claims added must be consecutively numbered beginning with next number after highest number in prior complete application.)

Petition for Extension of Time to Respond

☒

No extension of time is required for the prior complete application.

☐

Pursuant to 37 C.F.R. §1.136(a), enclosed is a petition for an extension of time for the prior complete application, up to and including today, for responding to the Office action together with the fee set by 37 C.F.R. §1.17.

Power of Attorney

☒

A power of attorney appears in the prior complete application.

☐

A new power of attorney is submitted herewith.

Assignment

☒

The prior application is assigned of record to:
St. Francis Medical Technologies, Inc.

☐

An assignment of the invention to: _____ is submitted herewith,
together with an ASSIGNMENT RECORDATION FORM COVER SHEET
and recordal fee of \$40.00.

Claim of Priority

☐

Priority of foreign application Serial No. _____, filed on _____,
in _____ is claimed under 35 U.S.C. §1.119.

☐

The certified copy was filed in prior U.S. application Serial No. _____,
filed _____.

Small Entity Statement

☐

Statement(s) claiming small entity status is (are) submitted herewith.

☒

Statement(s) claiming small entity status was (were) filed in the parent
application Serial No. 08/778,093, (now U.S. Patent No. 5,836,948
issued on November 17, 1998) and its benefit under 37 C.F.R. §1.28(a)
is hereby claimed.

Also Enclosed Are:

☒

Copies of Information Disclosure Statements under 37 C.F.R. §1.56 filed in the
prior case are enclosed herewith.

☒

Revised drawing sheets 12 and 17 for Figs. 21, 22, and 37.

1. **Introduction**

2. **Background**

3. **Methodology**

4. **Results**

5. **Discussion**

6. **Conclusion**

7. **References**

8. **Appendix**

9. **Index**

10. **Table of Contents**

11. **Figure 1**

12. **Figure 2**

13. **Figure 3**

14. **Figure 4**

15. **Figure 5**

16. **Figure 6**

17. **Figure 7**

18. **Figure 8**

19. **Figure 9**

20. **Figure 10**

21. **Figure 11**

22. **Figure 12**

23. **Figure 13**

24. **Figure 14**

25. **Figure 15**

26. **Figure 16**

27. **Figure 17**

28. **Figure 18**

29. **Figure 19**

30. **Figure 20**

31. **Figure 21**

32. **Figure 22**

33. **Figure 23**

34. **Figure 24**

35. **Figure 25**

36. **Figure 26**

37. **Figure 27**

38. **Figure 28**

39. **Figure 29**

40. **Figure 30**

41. **Figure 31**

42. **Figure 32**

43. **Figure 33**

44. **Figure 34**

45. **Figure 35**

46. **Figure 36**

47. **Figure 37**

48. **Figure 38**

49. **Figure 39**

50. **Figure 40**

51. **Figure 41**

52. **Figure 42**

53. **Figure 43**

54. **Figure 44**

55. **Figure 45**

56. **Figure 46**

57. **Figure 47**

58. **Figure 48**

59. **Figure 49**

60. **Figure 50**

61. **Figure 51**

62. **Figure 52**

63. **Figure 53**

64. **Figure 54**

65. **Figure 55**

66. **Figure 56**

67. **Figure 57**

68. **Figure 58**

69. **Figure 59**

70. **Figure 60**

71. **Figure 61**

72. **Figure 62**

73. **Figure 63**

74. **Figure 64**

75. **Figure 65**

76. **Figure 66**

77. **Figure 67**

78. **Figure 68**

79. **Figure 69**

80. **Figure 70**

81. **Figure 71**

82. **Figure 72**

83. **Figure 73**

84. **Figure 74**

85. **Figure 75**

86. **Figure 76**

87. **Figure 77**

88. **Figure 78**

89. **Figure 79**

90. **Figure 80**

91. **Figure 81**

92. **Figure 82**

93. **Figure 83**

94. **Figure 84**

95. **Figure 85**

96. **Figure 86**

97. **Figure 87**

98. **Figure 88**

99. **Figure 89**

100. **Figure 90**

101. **Figure 91**

102. **Figure 92**

103. **Figure 93**

104. **Figure 94**

105. **Figure 95**

106. **Figure 96**

107. **Figure 97**

108. **Figure 98**

109. **Figure 99**

110. **Figure 100**

111. **Figure 101**

112. **Figure 102**

113. **Figure 103**

114. **Figure 104**

115. **Figure 105**

116. **Figure 106**

117. **Figure 107**

118. **Figure 108**

119. **Figure 109**

120. **Figure 110**

121. **Figure 111**

122. **Figure 112**

123. **Figure 113**

124. **Figure 114**

125. **Figure 115**

126. **Figure 116**

127. **Figure 117**

128. **Figure 118**

129. **Figure 119**

130. **Figure 120**

131. **Figure 121**

132. **Figure 122**

133. **Figure 123**

134. **Figure 124**

135. **Figure 125**

136. **Figure 126**

137. **Figure 127**

138. **Figure 128**

139. **Figure 129**

140. **Figure 130**

141. **Figure 131**

142. **Figure 132**

143. **Figure 133**

144. **Figure 134**

145. **Figure 135**

146. **Figure 136**

147. **Figure 137**

148. **Figure 138**

149. **Figure 139**

150. **Figure 140**

151. **Figure 141**

152. **Figure 142**

153. **Figure 143**

154. **Figure 144**

155. **Figure 145**

156. **Figure 146**

157. **Figure 147**

158. **Figure 148**

159. **Figure 149**

160. **Figure 150**

161. **Figure 151**

162. **Figure 152**

163. **Figure 153**

164. **Figure 154**

165. **Figure 155**

166. **Figure 156**

167. **Figure 157**

168. **Figure 158**

169. **Figure 159**

170. **Figure 160**

171. **Figure 161**

172. **Figure 162**

173. **Figure 163**

174. **Figure 164**

175. **Figure 165**

176. **Figure 166**

177. **Figure 167**

178. **Figure 168**

179. **Figure 169**

180. **Figure 170**

181. **Figure 171**

182. **Figure 172**

183. **Figure 173**

184. **Figure 174**

185. **Figure 175**

186. **Figure 176**

187. **Figure 177**

188. **Figure 178**

189. **Figure 179**

190. **Figure 180**

191. **Figure 181**

192. **Figure 182**

193. **Figure 183**

194. **Figure 184**

195. **Figure 185**

196. **Figure 186**

197. **Figure 187**

198. **Figure 188**

199. **Figure 189**

200. **Figure 190**

201. **Figure 191**

202. **Figure 192**

203. **Figure 193**

204. **Figure 194**

205. **Figure 195**

206. **Figure 196**

207. **Figure 197**

208. **Figure 198**

209. **Figure 199**

210. **Figure 200**

211. **Figure 201**

212. **Figure 202**

213. **Figure 203**

214. **Figure 204**

215. **Figure 205**

216. **Figure 206**

217. **Figure 207**

218. **Figure 208**

219. **Figure 209**

220. **Figure 210**

221. **Figure 211**

222. **Figure 212**

223. **Figure 213**

224. **Figure 214**

225. **Figure 215**

226. **Figure 216**

227. **Figure 217**

228. **Figure 218**

229. **Figure 219**

No. Filed	No. Extra	Rate Small Entity/ Other Than Small Entity		
Basic Fee		\$355.00 \$710.00	=	\$355.00
Total Claims <u>24</u> - 20 = <u>4</u>	X	\$ 9.00 \$ 18.00	=	\$ 36.00
Independent Claims <u>15</u> - 3 = <u>12</u>	X	\$ 40.00 \$ 80.00	=	\$480.00
First Presentation of Multiple Dependent Claim(s) _____		\$135.00 \$270.00	=	\$871.00

* If the difference is less than zero, enter "0".
* * Count claims after any amendment.

The total fee associated with this communication is calculated as follows:

X A check in the amount of the TOTAL FEE DUE is enclosed.

X The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A **duplicate** copy of this CONTINUATION OR DIVISIONAL APPLICATION TRANSMITTAL LETTER UNDER 37 C.F.R. §1.53(b)(1) form is enclosed.

Correspondence Address

All correspondence should be addressed as follows:

Sheldon R. Meyer
FLIESLER, DUBB, MEYER & LOVEJOY LLP
Four Embarcadero Center, Suite 400
San Francisco, California 94111-4156
Telephone (415) 362-3800

Direct all telephone calls to the undersigned attorney at (415) 362-3800.

Respectfully submitted,

Date: 10/5/00

By: 

Sheldon R. Meyer
Reg. No. 27,660

FLIESLER, DUBB, MEYER & LOVEJOY LLP
Four Embarcadero Center, Suite 400
San Francisco, California 94111-4156
(415) 362-3800

005007 2704960